

84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 1407

ESTABLISHING A COMMISSION ON GOVERNMENT
SECURITY

JULY 26, 1955.—Ordered to be printed

Mr. CELLER, from the committee of conference, submitted the
following

CONFERENCE REPORT

[To accompany H. J. Res. 157]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 157) establishing a Commission on Government Security, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

DECLARATION OF POLICY

SECTION 1. It is vital to the welfare and safety of the United States that there be adequate protection of the national security, including the safeguarding of all national defense secrets and public and private defense installations, against loss or compromise arising from espionage, sabotage, disloyalty, subversive activities, or unauthorized disclosures.

It is, therefore, the policy of the Congress that there shall exist a sound Government program—

(a) establishing procedures for security investigation, evaluation, and, where necessary, adjudication of Government employees, and also appropriate security requirements with respect to persons privately employed or occupied on work requiring access to national defense secrets or work affording significant opportunity for injury to the national security;

(b) for vigorous enforcement of effective and realistic security laws and regulations; and

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(c) for a careful, consistent, and efficient administration of this policy in a manner which will protect the national security and preserve basic American rights.

ESTABLISHMENT OF THE COMMISSION ON GOVERNMENT SECURITY

SEC. 2. (a) For the purpose of carrying out the policy set forth in the first section of this joint resolution, there is hereby established a commission to be known as the Commission on Government Security (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of twelve members as follows:

(1) Four appointed by the President of the United States, two from the executive branch of the Government and two from private life;

(2) Four appointed by the President of the Senate, two from the Senate and two from private life; and

(3) Four appointed by the Speaker of the House of Representatives, two from the House of Representatives and two from private life.

(c) Of the members appointed to the Commission not more than two shall be appointed by the President of the United States, or the President of the Senate, or the Speaker of the House of Representatives from the same political party.

(d) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) Service of an individual as a member of the Commission or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of section 281, 283, 284, 434, or 1914 of title 18 of the United States Code, or section 190 of the Revised Statutes (5 U. S. C. 99).

(f) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(g) Seven members of the Commission shall constitute a quorum. Each subcommittee of the Commission shall consist of at least three members of the Commission.

COMPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) Members of the Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received for their services in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(c) The members of the Commission from private life shall each receive \$50 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

SECRET

STAFF OF THE COMMISSION

SEC. 4. (a) (1) *The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of the civil-service laws and the Classification Act of 1949, as amended.*

(2) *The Commission may procure, without regard to the civil-service laws and the Classification Act of 1949, as amended, temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed \$50 per diem for individuals.*

(b) *All employees of the Commission shall be investigated by the Federal Bureau of Investigation as to character, associations, and loyalty and a report of each such investigation shall be furnished to the Commission.*

EXPENSES OF THE COMMISSION

SEC. 5. *There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this joint resolution.*

DUTIES OF THE COMMISSION

SEC. 6. *The Commission shall study and investigate the entire Government security program, including the various statutes, Presidential orders, and administrative regulations and directives under which the Government seeks to protect the national security, national defense secrets, and public and private defense installations, against loss or injury arising from espionage, disloyalty, subversive activity, sabotage, or unauthorized disclosures, together with the actual manner in which such statutes, Presidential orders, administrative regulations, and directives have been and are being administered and implemented, with a view to determining whether existing requirements, practices, and procedures are in accordance with the policies set forth in the first section of this joint resolution, and to recommending such changes as it may determine are necessary or desirable. The Commission shall also consider and submit reports and recommendations on the adequacy or deficiencies of existing statutes, Presidential orders, administrative regulations, and directives, and the administration of such statutes, orders, regulations, and directives, from the standpoints of internal consistency of the overall security program and effective protection and maintenance of the national security.*

POWERS OF THE COMMISSION

SEC. 7. (a) *The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, or the Chairman of any subcommittee with the approval of a majority of the members of such subcommittee and may be served by any person designated by such Chairman. The provisions of sections 102 to*

104, inclusive, of the Revised Statutes (U. S. C., title 2, secs. 192-194), shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this joint resolution, and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

INTERFERENCE WITH CRIMINAL PROSECUTIONS AND INVESTIGATIVE
AND INTELLIGENCE FUNCTIONS

SEC. 8. Nothing contained in this joint resolution shall be construed to require any agency of the United States to release any information possessed by it when, in the opinion of the President, the disclosure of such information would jeopardize or interfere with a pending or prospective criminal prosecution, or with the carrying out of the intelligence or investigative responsibilities of such agency, or would jeopardize or interfere with the interests of national security.

REPORTS

SEC. 9. The Commission may submit interim reports to the Congress and the President at such time or times as it deems advisable, and shall submit its final report to the Congress and the President not later than December 31, 1956. The final report of the Commission may propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations. The Commission shall cease to exist ninety days after submission of its final report.

And the Senate agree to the same.

EMANUEL CELLER,
FRANCIS E. WALTER,
KENNETH B. KEATING,
Managers on the Part of the House.

JOHN F. KENNEDY,
HUBERT H. HUMPHREY,
STUART SYMINGTON,
STROM THURMOND,
MARGARET CHASE SMITH,
NORRIS COTTON,
THOS. E. MARTIN,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H. J. Res. 157) establishing a Commission on Government Security, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House and Senate versions with respect to section 1 (a) were substantially identical. The main difference was in the transposition of phrases. The Senate version also included reference to procedures for clearance of Government employees but the House version did not. The conference report adopted the language as it appeared in the Senate version but deleted reference to clearance of Government employees.

In section 2 (g) the Senate version provided that each subcommittee of the Commission should consist of at least three members. The House version made no reference to the composition of subcommittees. The conference report adopted the Senate language.

Section 8 of the joint resolution which relates to interference with criminal prosecutions and investigative and intelligence functions did not differ in substance in either the House or Senate version. The House version made no specific reference to either investigative responsibilities or to activities which would jeopardize or interfere with the interest of national security. In the Senate version, however, reference to those two matters was specifically spelled out. The conference report adopted the language of the Senate version.

Section 9, relating to the reports of the Commission, in the Senate version fixed the date of final report as March 31, 1956. In the House version the date was fixed at December 31, 1956. The conference report adopted the House language and fixed the date at December 31, 1956.

EMANUEL CELLER,
FRANCIS E. WALTER,
KENNETH B. KEATING,
Managers on the Part of the House.